

12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial products and commercial services.

(a) The following laws are not applicable to *Executive agency* contracts for the *acquisition* of *commercial products* or *commercial services*:

- (1) [10 U.S.C. 983](#), Institutions of Higher Education that Prevent ROTC Access or Military Recruiting on Campus: Denial of Grants and Contracts from Department of Defense, Department of Education, and Certain Other Departments and Agencies (see [9.110](#)).
- (2) [31 U.S.C. 1354\(a\)](#), Limitation on Use of Appropriated Funds for Contracts with Entities Not Meeting Veterans' Employment Reporting Requirements (see [22.1302](#)).
- (3) [41 U.S.C. 1708\(e\)\(3\)](#), Minimum Response Time for *Offers* (see [5.203](#)).
- (4) [41 U.S.C. 2303\(b\)](#), Policy on Personal Conflicts of Interest by Contractor Employees (see [subpart 3.11](#)).
- (5) [41 U.S.C. 3901\(b\)](#) and [10 U.S.C. 3321\(b\)](#), Contingent Fees (see [3.404](#)).
- (6) [41 U.S.C. 4706\(d\)\(1\)](#) and [10 U.S.C. 3841\(d\)\(1\)](#), GAO Access to Contractor Employees, section 871 of Public Law 110-417 (see [52.214-26](#) and [52.212-2](#)).
- (7) [41 U.S.C. chapter 65](#), Contracts for Materials, *Supplies*, Articles, and Equipment Exceeding \$10,000 (see subpart 22.6).
- (8) [41 U.S.C. chapter 81](#), *Drug-Free Workplace* (see [26.501](#)).
- (9) Section 806(a)(3) of Public Law 102-190, as amended by sections 2091 and 8105 of Public Law 103-355 ([10 U.S.C. 4601 note](#) prec.), Payment Protections for Subcontractors and Suppliers (see [28.106-6](#)).
- (10) [15 U.S.C. 644\(w\)](#), *Solicitation Notice Regarding Administration of Change Orders for Construction* (see [36.211](#)).

(b) Certain requirements of the following laws are not applicable to *executive agency* contracts for the *acquisition* of *commercial products* and *commercial services*:

- (1) [22 U.S.C. 2593e](#), Requirement for a certification under Measures Against Persons Involved in Activities that Violate Arms Control Treaties or Agreements with the *United States* (see [9.109](#)).
- (2) [40 U.S.C. chapter 37](#), Requirement for a certificate and clause under the Contract Work Hours and Safety Standards statute (see [22.305](#)).
- (3) [41 U.S.C. 8703](#) and [8703](#), Requirement for a clause and certain other requirements related to kickbacks (see [3.502](#)).

(4) [49 U.S.C.40118](#), Requirement for a clause under provisions of the Government-financed air transportation statute, commonly referred to as the Fly America Act, except that [49 U.S.C.40118\(g\)](#) is applicable to the *acquisition of commercial services* (see [47.405](#)).

(c) The applicability of the following laws have been modified in regard to *Executive agency* contracts for the *acquisition of commercial products* and *commercial services*:

(1) [41 U.S.C.4704](#) and [10 U.S.C. 4655](#), Prohibition on Limiting Subcontractor Direct Sales to the *United States* (see [3.503](#)).

(2) [41 U.S.C.chapter 35](#), and [10 U.S.C. chapter 271](#), *Truthful Cost or Pricing Data* (see [15.403](#)).

(3) [41 U.S.C.chapter 15](#), Cost Accounting Standards (48 CFR Chapter 99) (see [12.214](#)).

Parent topic: [Subpart 12.5 - Applicability of Certain Laws to the Acquisition of Commercial Products, Commercial Services and Commercially Available Off-the-Shelf Items](#)